REMARKS

Claims 1-24 were originally filed in the present application.

Claims 1-24 are pending in the present application.

Claims 1-24 were rejected in the October 15, 2007 Office Action.

No claims have been allowed.

Reconsideration of the claims is respectfully requested.

The Examiner is thanked for noting the typographic error in the specification; this has been corrected above.

In Section 7 of the October 15, 2007 Office Action, the Examiner rejected Claims 1-24 under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent Application Publication No. 2004/0068721 to *O'Neill, et al.* (hereafter, simply "O'Neill") in view of U. S. Patent Application Publication No. 2005/0204353 to *Ji* (hereafter, simply "Ji").

Claim 1 describes

> 1. (Original) A wireless communication device capable of accessing a wireless network and downloading a software upgrade file therefrom, said wireless communication device comprising:
>
> a first central processing unit (CPU) capable of controlling wireless communications with said wireless network;
>
> a first memory associated with said first CPU;
>
> a second central processing unit (CPU) capable of executing at least one end-user application on said wireless communication device; and
>
> a second memory associated with said second CPU,
>
> wherein said first CPU downloads said software upgrade file from said wireless network and stores said downloaded software upgrade file in said second memory.

As discussed at length in previous responses, Claim 1 clearly requires a wireless communication device having two CPUs, where the first CPU can control wireless communications and the second CPU can execute an application. The first CPU downloads a software upgrade file and stores it in a memory associated with the second CPU. Claim 13 includes similar limitations. These are not taught or suggested by any art of record, alone or in combination.

The Examiner finally concedes, after forcing the Applicant to the time and expense of appeal, that O'Neill does not teach these limitations. Ji also fails to teach or suggests a wireless communication device having two CPUs that operate as claimed.

The Examiner refers to Ji's paragraphs 0018-0020:

> [0018] FIG. 1 is a block diagram of a file upgrade system 100, under an embodiment. Generally, the file upgrade system 100 includes a first computer system 102, or host system, and one or more second computer systems including client devices or computers 122. The host system 102 and the client devices 122 each include at least one processor 104 and 124, respectively, operating under program control, but are not so limited. The host system 102 and the client devices 122 communicate via a communication path 199. These computer systems 102 and 122 include any collection of computing devices operating together, as is known in the art. The computer systems 102 and 122 can also include components within a larger computer system.
>
> [0020] Likewise, the client devices 122 of an embodiment include a processor 124 coupled among a device memory 130 and an upgrade client 126, under program control. Alternatively, various other components of the client devices 122 can couple among the processor 124, the device memory 130, and the upgrade client 126 and provide file updating functions under program control. While one processor 124, one device memory 130, and one upgrade client 126 are shown, various alternative embodiments include any number and/or type of each of these components coupled in various configurations contemplated by one skilled in the art. Further, while the processor

> 124, device memory 130, and upgrade client 126 are shown as separate blocks, some or all of these blocks can be monolithically integrated onto a single chip, distributed among a number of chips or components of a host system, and/or provided by some combination of algorithms. The algorithm or applications of the upgrade client 126 can be implemented in software algorithm(s), firmware, hardware, and any combination of software, firmware, and hardware. The device memory can include any number and/or combination or memory types including ROM and random access memory ("RAM"), but is not so limited.

Paragraph 0020 here generically describes that a client device 122 can have "any number" of processors and memories, without describing at all how these might be arranged or associated with each other. In particular, Ji does not describe a first CPU associated with a first memory and a second CPU associated with a second memory.

Neither Ji nor O'Neill, nor any combination of them, teaches or suggests that the first CPU is capable of controlling wireless communications with said wireless network. Neither Ji nor O'Neill, nor any combination of them, teaches or suggests that the second CPU is capable of executing at least one end-user application on said wireless communication device.

Very specifically, neither Ji nor O'Neill, nor any combination of them, teaches or suggests that the first CPU downloads a software upgrade file from a wireless network and stores the downloaded software upgrade file in second memory, associated with the second CPU. Nothing in Ji or O'Neill teaches that this would be desirable or operable, or that there would be any predictable result or likelihood of success.

Even the Examiner's suggested "motivation" is simply incorrect: as Ji purports to provide a means for self-upgrade, one of skill in the art, aware of Ji, would not then be motivated to make the specific modifications necessary to meet the claim limitations in order to solve a problem that has already been solved.

All rejections are traversed. Reconsideration and allowance are respectfully requested.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ***jmockler@munckbutrus.com***.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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